

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
ABERDEEN DIVISION

BRITTANY BISHOP

PLAINTIFF

VS.

CIVIL ACTION NO.1:18-CV-0046-SA-DAS

MICHAEL JOSEPH, IN HIS  
PROFESSIONAL AND INDIVIDUAL  
CAPACITIES, AND LNR SERVICES LLC,  
A NEW JERSEY CORPORATION

DEFENDANTS

**ORDER**

Before the Court is Plaintiff's [25] Motion to Deem Requests for Admissions Admitted. According to Plaintiff's motion, she propounded interrogatories, requests for production of documents, and requests for admissions to Defendants on June 1 and June 7, 2018.<sup>1</sup> As of the filing of the motion on July 31, 2018, no responses had been received. Plaintiff therefore asks this Court to deem the matters set forth for admission as admitted.

However, Defendant Michael Joseph Street was purportedly served on May 1, 2018, and Defendant LNR Services, LLC, was purportedly served on May 7, 2018. The discovery requests at issue were served with the Amended Complaint. "A party may not seek discovery from any source before the parties have conferred as required by Rule 26(f)," except in limited circumstances not at issue in this case. Fed. R. Civ. Proc. 26(d)(1). Neither the Rule 26 attorney conference nor a Case Management Conference has taken place, and the Court has yet to issue a

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<sup>1</sup> Plaintiff directs the Court to see notice of these discovery requests attached to her motion as composite Exhibit A. The motion contains no attachments.



Rule 16 Initial Order setting a Case Management Conference to prompt the Rule 26 attorney conference. The parties not having conferred, the discovery responses are not yet due.

IT IS, THEREFORE, ORDERED that Plaintiff's Motion to Deem Requests for Admissions Admitted is DENIED.

SO ORDERED, this the 8th day of August, 2018.

/s/ David A. Sanders

UNITED STATES MAGISTRATE JUDGE